



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

ELP  
Docket No. 7740-99  
3 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 3 October 1989 for six years as an PFC (E-2). The record reflects that you were advanced to LCPL (E-3) on 1 April 1990.

On 7 December 1994, a medical board found you were unable to fulfill your duties due to mechanical low back pain, a condition which did not exist prior to service. Your case was referred to a physical evaluation board (PEB) for final disposition. On 3 March 1995, a PEB found you unfit due to physical disability and recommended that you be separated with severance pay. This recommendation was approved and you were honorably discharged on 1 April 1995 and assigned an RE-3P reenlistment code.

On 5 January 1998, the Military Awards Branch, Headquarters, Marine Corps (HQMC), advised you that its review of the applicable records failed to reveal that you were ever recommended for a personal decoration, and that you were not eligible for the Southwest Asia Service Medal.

The Navy-Marine Corps Awards Manual provides for the award of the Southwest Asia Service Medal to members of the armed forces who participated in or directly supported military operations in Southwest Asia or in surrounding areas. However, this award was authorized only for who served in one or more of the following areas on or after 2 August 1990: the Persian Gulf, Red Sea, Gulf of Oman, Gulf of Aden, that portion of the Arabian Sea that lies north of 10 degrees North latitude and west of 68 degree East longitude, as well as the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar and United Arab Emirates.

In support of your application for the award of the Southwest Asia Service Medal and the Navy Achievement Medal, you provide two letters. The first is a letter of appreciation to you and eleven others from an Air Force major thanking your for your hard work and support for an Airlift Control Element he commanded in support of DESERT SHIELD at Marine Corps Air Station, Yuma, AZ. The second letter was a recommendation to a warrant officer selection board which stated that your hard work had been recognized through numerous nominations for Marine of the Quarter, letters of appreciation, a meritorious mast, and award of a Navy Achievement Medal.

Your record contains no evidence that you served in any of the areas mentioned in the awards manual. While you provide a letter that appears to state that you were awarded the Navy Achievement Medal, there is no evidence in the available records that you received this medal and you provide no evidence, such as the award certificate that would accompany such a medal. The letter could also be interpreted to mean that you were only nominated for the award of the Navy Achievement Medal. Absent convincing evidence to the contrary, the Board concluded that you were not eligible for the Southwest Asia Service Medal and you were not awarded the Navy Achievement Medal.

Regulations authorize the assignment of an RE-3P or RE-4 reenlistment code to individuals discharged by reason of physical disability. An RE-3P reenlistment code means the individual is eligible for reenlistment except for the disqualifying factor which led to discharge. This code may be waived by recruiting medical authorities to allow reenlistment if current medical evidence shows that the disqualifying factor no longer exists. An RE-4 reenlistment code means that an individual is not recommended for reenlistment. Since you received the most favorable reenlistment code authorized by regulation, the Board could no error or injustice in your assigned reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director